HIGH COURT OF UTARANCHAL AT NAINITAL

Writ Petition No. 4338 (MS) of 2001
(Old No. 32718/1993)

Soban Das ..... Petitioner

Vs

District Judge,
Dehradun and others. ..... Respondents

Counsel for the petitioner Sh. Arvind Vashisth
Standing Counsel for the Respondents

Dated: 18-9-2004

Hon'ble Rajesh Tandon J.

Heard Sh. Arvind Vashisht learned counsel for the petitioner and Standing counsel for the respondents.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of certiorari quashing the orders dt. 22-5-1992 and 18-5-1993 passed by respondents no. 2 and 1.

Brief facts giving rise to the present writ petitioner are that the premises in dispute was declared as vacant on 16-12-1989 under Section 12 of the U.P. Urban Building (Regulation and letting rent and eviction) Act 1972.

The landlord has applied for release of the accommodation on 5-5-1992. The application for release was rejected. The petitioner as well as the respondent No.3 both have applied for allotment of the premises.

The Rent Control Eviction Officer by order dt. 22-5-1992 allotted the accommodation in favour of the respondent No.3. The petitioner has preferred the revision being Rent Control

Revision No. 67 of 1992 in Court in District Judge, Dehradun. The learned District judge vide his order dt.18-5-1993 has dismissed the revision. Claim of the petitioner has not been believed by both the courts below and the accommodation has been allotted in favour of the respondent No.3. I do not find any error in the order passed by the courts below. So as to interfere under Article 226 of the Constitution of India .

Counsel for the petitioner has submitted tat under Rule 11 of the U.P. Act No. 13 of 1972, the priorities have been provided before the allotment of the residential building. He has also submitted that although the premises was allotted in favour of the respondent No.3 but he has already vacated the same.

Liberty is given to the petitioner file the application for allotment afresh and the same shall be considered in accordance with law.

Subject to the aforesaid observation, the writ petition is dismissed. No order as to costs.

Dated:- 18-9-2004 (RAJESH TANDON J.)

M.K.